

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

DON GIBSON, LAUREN CRISS,
JOHN MEINERS, and DANIEL
UMPA, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, et al.

Defendants.

Case No. 4:23-cv-00788-SRB

[Consolidated with 4:23-cv-00945-SRB]

PLAINTIFFS' CONSENTED MOTION FOR EXTENSION OF TIME

Plaintiffs respectfully request that the Court enter an order extending until November 13, 2024, the time to respond to Defendants Weichert Co. and Weichert Real Estate Affiliates, Inc.'s (collectively, "Weichert") Motions to Dismiss for Lack of Jurisdiction, filed on July 15, 2024. In support of this Motion, Plaintiffs state:

1. The Weichert Defendants filed their Motions to Dismiss for Lack of Jurisdiction on July 15, 2024 (ECF Nos. 311, 313).
2. On July 22, 2024, the Court granted Plaintiffs' request for an extension of time and ordered Plaintiffs' oppositions to Defendants' Motions to Dismiss to be due September 13, 2024 (ECF No. 366).

3. Following a discovery hearing, on September 4, 2024, the Court ordered that Plaintiffs may conduct focused jurisdictional discovery (ECF No. 414). Consistent with the Court's order, on September 11, 2024, Plaintiffs served on the Weichert Defendants requests for production seeking jurisdictional discovery.

4. Plaintiffs seek an extension of the deadline to respond to the Weichert Defendants' Motions to Dismiss for Lack of Personal Jurisdiction in order to complete limited jurisdictional discovery. Counsel for Plaintiffs conferred with counsel for the Weichert Defendants, who consent to Plaintiffs' request for an extension to November 13, 2024. Counsel for the Weichert Defendants requested that the time period for their Reply briefs be extended to December 13, 2024. Plaintiffs do not oppose that request.

5. Consistent with the Court's instructions that Plaintiffs should confer with the Weichert Defendants regarding deposition availability, Plaintiffs requested that Weichert provide availability for a Rule 30(b)(6) deposition in case the documents produced by Weichert do not fully address the jurisdictional issues raised. Plaintiffs also requested that the Weichert Defendants commit to a deadline for completing their document productions sufficiently in advance of the deadline for Plaintiffs' opposition brief. The Weichert Defendants have not committed to providing information regarding the availability of a corporate representative or a deadline for completing their document productions. Plaintiffs reserve all rights to seek further relief as appropriate.

6. This Motion is not filed for the purpose of delay or harassment and will not cause prejudice as all Parties have consented to the timeframe for the extension.

WHEREFORE Plaintiffs respectfully request that this Court enter an Order granting Plaintiffs an extension of time, up to and including November 13, 2024, to respond to Defendants Weichert Co. and Weichert Real Estate Affiliates, Inc.'s Motions to Dismiss (ECF Nos. 311, 313).

Dated: September 12, 2024

Respectfully submitted by:

/s/ Robert A. Braun

Benjamin D. Brown (*pro hac vice*)

bbrown@cohenmilstein.com

Robert A. Braun (*pro hac vice*)

rbraun@cohenmilstein.com

Sabrina Merold (*pro hac vice*)

smerold@cohenmilstein.com

COHEN MILSTEIN SELLERS & TOLL PLLC

1100 New York Ave. NW, Fifth Floor

Washington, DC 20005

Telephone: (202) 408-4600

Daniel Silverman (*pro hac vice*)

dsilverman@cohenmilstein.com

COHEN MILSTEIN SELLERS & TOLL PLLC

769 Centre Street, Suite 207

Boston, MA 02130

Telephone: (617) 858-1990

Steve W. Berman (*pro hac vice*)

steve@hbsslaw.com

HAGENS BERMAN SOBOL SHAPIRO LLP

1301 Second Avenue, Suite 2000

Seattle, WA 98101

Telephone: (206) 623-7292

Rio S. Pierce (*pro hac vice*)

riop@hbsslaw.com

HAGENS BERMAN SOBOL SHAPIRO LLP

715 Hearst Avenue, Suite 202

Berkeley, CA 94710

Telephone: (510) 725-3000

Nathan Emmons (Mo. Bar. No. 70046)

nathane@hbsslaw.com
Jeannie Evans (*pro hac vice*)
jeannie@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
455 North Cityfront Plaza Drive, Suite 2410
Chicago, IL 60611
Telephone: (708) 628-4949

Marc M. Seltzer (*pro hac vice*)
mseltzer@susmangodfrey.com
Steven G. Sklaver (*pro hac vice*)
ssklaver@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Telephone: (310) 789-3100

Beatrice C. Franklin (*pro hac vice*)
bfranklin@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas 32nd Floor
New York, New York 10019
Telephone: (212) 336-8330

Matthew R. Berry (*pro hac vice*)
mberry@susmangodfrey.com
Floyd G. Short (*pro hac vice*)
fshort@susmangodfrey.com
Alexander W. Aiken (*pro hac vice*)
aaiken@susmangodfrey.com
SUSMAN GODFREY L.L.P.
401 Union St., Suite 3000
Seattle, Washington 98101
Telephone: (206) 516-3880

Michael S. Ketchmark MO # 41018
Scott A. McCreight MO # 44002
Ben H. Fadler MO # 56588
KETCHMARK & MCCREIGHT
11161 Overbrook Road, Suite 210
Leawood, KS 66211
Tele: (913) 266-4500
Fax: (913) 317-5030
mike@ketchmclaw.com
smccreight@ketchmclaw.com
bfadler@ketchmclaw.com

Brandon J.B. Boulware MO # 54150
Jeremy M. Suhr MO # 60075
BOULWARE LAW LLC
1600 Genessee, Suite 416
Kansas City, MO 64102
Tele: (816) 492-2826
Fax: (816) 492-2826
brandon@boulware-law.com
jeremy@boulware-law.com

Matthew L. Dameron MO # 52093
Eric L. Dirks MO # 54921
WILLIAMS DIRKS DAMERON LLC
1100 Main Street, Suite 2600
Kansas City, MO 64105
Tele: (816) 945-7110
Fax: (816) 945-7118
matt@williamsdirks.com
dirks@williamsdirks.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2024, the foregoing document was served via email on all counsel of record.

/s/ Robert A. Braun

Robert A. Braun